

REMARKS

Claims 1-18 are pending in the application

Claims 1-6 and 13-18 stand rejected

Claims 7-12 were objected to

Claim 1, 7 and 11 are amended herein

Claims 13-18 are cancelled

I. Claim Objections

Claims 13 and 17 were objected to because of an informality. Claims 13 and 17 have been cancelled, and accordingly, this objection is believed to be moot.

II. 35 USC §112 Claim Rejections

Claims 13-18 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 13-18 have been cancelled, and accordingly, this objection is believed to be moot. Withdrawal of the rejection is accordingly respectfully requested.

III. 35 USC §101 Claim Rejections

Claims 13-18 were rejected under 35 USC §101 on the basis that the claimed invention is directed to non-statutory subject matter. Claims 13-18 have been cancelled, and accordingly, this objection is believed to be moot. Withdrawal of the rejection is accordingly respectfully requested.

IV 35 USC §102 Claim Rejections

Claims 1-3 and 6 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 5,812,526 to Chang *et al.* Applicants herein traverse those rejections and respectfully request reconsideration by the Examiner.

The invention is directed to a method for bandwidth allocation needed to achieve a given QoS requirement through the development and application of a statistical model of the packet stream being evaluated, the statistical model being developed as a function of bandwidth, traffic load, queuing delay and packet loss. In contrast, the applied Chang reference is generally directed to a call admission process using fuzzy logic to control the rate at which calls are accepted for transmission. Although the

Applicants do not agree that Chang teaches any facet of their invention, they have amended independent claim 1 to further specify the aspects of the statistical model applied in their invention in the interest of bringing prosecution of this application to an early close (along with capturing allowable subject matter in other claims, as discussed below). As so amended, the Applicants submit that independent claim 1 is clearly patentable over the teaching of Chang. Rejected claims 2, 3 and 6 all depend, either directly or indirectly from independent claim 1 and thus should be patentable as well. Withdrawal of the §102 rejection of claims 1-3 and 6 is accordingly respectfully requested.

V 35 USC §103 Claim Rejections

Claims 4 and 5 were rejected under 35 USC §103(a) as being unpatentable over Chang in view of "Internet Traffic: Statistical Multiplexing Gains," by Cao *et al.* As with the discussion above for the §102 claim rejections based on the Chang reference, the Applicants believe their claimed invention (as those claims are amended herein) is clearly distinguished from the teaching of Chang as the primary §103 reference, and they further submit that nothing in the teaching of the secondary reference (Cao) could reasonably be read to remedy the failures in that primary reference. Moreover, each of the claims rejected under §103 depends, either directly or indirectly, from independent claim 1, which was shown above to distinguish over Chang. Accordingly, Applicants submit that claims 4 and 5 are patentable over the applied art and respectfully request withdrawal of the §103 claim rejections.

VI Allowable Subject Matter

Claims 7-12 were objected to as being dependent on a rejected base claim, but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants thank the Examiner for this indication of allowability and have accordingly amended claims 7 and 11 to incorporate the limitations of independent claim 1 from which each directly depends. As so amended, the Applicants submit that each of these now independent claims is patentable, and request the allowance thereof. Each of claims 8-10 and 12 depends, either directly or indirectly from one of independent claims 7 or 11, and should also now be allowable.

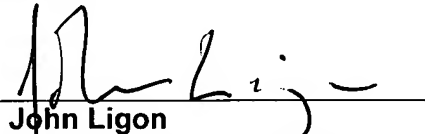
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VII. Conclusion

In view of the foregoing, allowance of all the claims presently in the application is respectfully requested, as is passage to issuance of the application. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact Applicants' attorney, John Ligon, at **908-582 5294**.

Respectfully submitted,
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By


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